

### III. REMARKS

In the Office Action, Claims 1-5, 8, 9, 11-17, and 19-23 were rejected under 35 U.S.C. 103 as being unpatentable over Richardson (US 5,369,637) in view of Marshall (US 5,502,744) for reasons set forth in the Action, these grounds of rejection being raised previously in the prior Office Action.

In Point 2 of the Office Action, the examiner notes that the claims employ phrases "adapted to" and "being capable of", and that this phrasing suggests or makes optional, but does not require steps to be performed or limit a claim to a particular structure. The examiner notes that, upon deletion of this phrasing, the claims are overly broad, and the examiner therefore continues to reject the claims on the same art as in the previous Office Action.

It would appear that the arguments presented in the previous response do not carry any weight with the examiner since, his reading of the claims does not conform to statements in the argument.

Accordingly, in this response, the claims are amended further to remove the aforementioned phrasing, and to replace the phrasing with language specifically calling out the performance of a function.

The examiner is requested respectfully to reconsider the argument for patentability presented in the previous response.

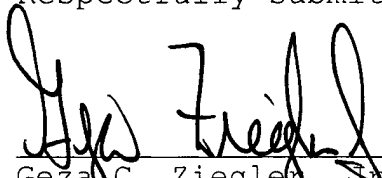
Since the claim language has been amended to specifically call for the performance of a function, rather than to use the optional formulation noted by the examiner, it is believed that the argument for patentability of the previous response will

overcome the present rejections and distinguish the present invention, as claimed, from the teachings of the cited art of Richardson taken in combination with Marshall to overcome the rejections under 35 U.S.C. 103. This should provide allowable subject matter in the present claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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22 May 2009  
\_\_\_\_\_  
Date

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